

Angry residents give developer earful about sewage dump, land grab

November 20, 2015 12:49 PM MST



Bulverde residents oppose dumping undiluted sewage water onto their property
Jaclyn Hall

Last night, in a little hill country town in Bulverde, Texas, over 130 angry residents vented at a hearing over the 4S Ranch wastewater permit. The hearing conducted by the Texas version of the EPA, known as the Texas Commission for Environmental Quality (TCEQ), had an overflow crowd. The original meeting room could not accommodate attendees, who were stacked deep into the hallways. So TCEQ moved the residents into the bay of the EMS building to conduct the makeshift meeting amid fire equipment with no seating. Attendees, many of them elderly, had to grab their own chairs from anywhere they could muster if they wanted to sit down for the nearly 5-hour meeting that went late into the night.

The issue that drew the crowd was the developer of 4S Ranch seeking to amend its wastewater permit from 180,000 gallons of treated effluent contained on the developer's own property to dumping 460,000 gallons a day of treated sewage onto its neighbors and into Dripping Springs and Lewis Creek (which feed into Cibolo Creek and recharges the Edwards Aquifer). The biggest neighborhood effected would be Oak Village North. The high density subdivision will be located between Stahl Lane and Smithson Valley Road north of FM 1863.

4S Ranch wants to put 1,880 homes on 780 acres in a county where there's normally a restriction of one house per acre. If there's just two residents per home, this subdivision alone represents a near doubling of the population of Bulverde (as of 2013, there were 4,841 residents).

So the intense opposition should come as no surprise. Comal County Commissioner Scott Haag, Bulverde Mayor Bill Krawietz, Councilwoman Yvonne Chapman, and two former mayors were in attendance and reflects the intense citizen outrage. Krawietz expressed frustration that the city is prohibited from imposing stricter water quality standards than the state. They're also not permitted to force developers to further treat and use the wastewater for beneficial purposes like watering landscaping, rather than just dumping it undiluted into area creeks.

The standard the state requires for treatment of sewage discharge is very low, lower than what is required to water a golf course. TCEQ experts could not tell residents how its treated sewage standards compare to drinking water standards, sparking further outrage among the concerned citizens.

Food & water contamination

However, one resident of Comal County who owns a vineyard and a winery nearby testified that the state won't allow such treated sewage to be used to water her grapes. So it's clearly not safe to be consumed. Anyone near a golf course who waters their greens with treated sewage water will also be greeted with signs that say, 'non-potable, do not drink.' Yet a TCEQ 'expert' claimed the developers dumping of treated sewage into the dry Lewis Creek will actually 'improve' drinking water. The crowd erupted in laughter and disbelief. Local residents knew they were being lied to. Toilet to tap is not their idea of safe drinking water.

Many neighboring residents are also cattle ranchers whose cattle would be consuming the waste water and hence will enter the food supply. Since Lewis Creek is a dry creek bed that only flows during heavy rains, many residents expressed concern about the wastewater dumping creating continuously wet or boggy conditions on their property, which could attract mosquitoes, feral hogs, and other undesirable pests or wildlife.

Flood worries

With the reality of recent flooding in Bulverde on October 30, that overwhelmed the new Singing Hills drainage system as well as a breach in the Johnson Ranch sewage system that dumped raw sewage into the creeks contaminating drinking water and wells fresh in their minds, residents asked who would be held responsible for such breaches, how would residents be

notified in time to not consume contaminated water, and who would pay to clean-up private wells affected by these high density subdivisions?

Most residents had no idea that Johnson Ranch had a breach that was leaking raw sewage into their water until weeks later, far too late to protect residents. TCEQ's only answer was they'd notify residents through radio and television. What if residents miss those announcements? Many long-time Bulverde properties are already experiencing flooding in areas that have never flooded despite heavy rains in the past, due to the rash of massive developments in this formerly rural town.

Land grab

From a property rights prospective, this is nothing more than a government land grab. Under this scenario, the TCEQ acts as a shield for the developer. Undiluted sewage effluent becomes 'waters of the state.' The developer nor the TCEQ has to pay the landowner for taking their property as they would under eminent domain.

Currently, every level of Texas state government as well as many members of congress are fighting the federal overreach of the EPA [claiming Texans' land under 'waters of the United States.'](#) Yet, this same claim is being made by TCEQ under the same 'waters of the state' argument when it's not even for a legitimate public use, but rather to accommodate private developers for private gain.

Property rights watchdog group, [Texans Uniting for Reform and Freedom](#), was emphatic, "No Texan should lose their land, the use of or personal enjoyment of their property, or have their drinking water contaminated just so a private developer can make a buck. This is worse than eminent domain since the landowners aren't even compensated for the loss of property. This is legalized theft."

Opponents contend the developers are welcome to develop their properties in a free market and contain the treated sewage on their own property. However, once a developer intends to dump sewage onto its neighbors and into creeks that adversely affects other property owners and the community at large, this is when the state must step-in to protect the public from harm.

Cumulative impacts not considered by state

With 4S Ranch projected to discharge up to 460,000 gallons per day (gpd), with Johnson Ranch projected to discharge up to 400,000 gpd, and with the Cibolo Valley Ranch expecting to discharge up to 300,000 gpd, this is over 1 million gallons of undiluted treated sewage dumping

into Bulverde area creeks every day from just three new subdivisions. Residents know there has to be adverse cumulative impacts from these waste water permits.

Yet TCEQ analyzes only the data the developer provides them and reviews each permit application in isolation of all the others. There is no independent analysis done by TCEQ to even verify that the developer's claims are true, valid, or backed by legitimate science. As long as a developer meets the application requirements, the state approves them. Landowners Terrell and Pat Graham fought the neighboring Johnson Ranch waste water permit in a contested case hearing and the judge ruled that the TCEQ should deny the permit. But the [TCEQ approved the permit anyway](#).

So attendees asked TCEQ many times throughout the hearing, is our opposition even going to matter? Will our concerns lead to TCEQ denying the permit or are the procedures already set in stone and headed for approval despite the contested case hearing process and in spite of potential harm done to landowners and the community?

Their concerns are valid considering they could win a contested case hearing, have a judge recommend TCEQ deny the permit, and still have TCEQ approve it. The overwhelming sentiment from affected residents asked TCEQ to deny the 4S Ranch permit. Now citizens await the TCEQ's response and will have 30 days from the published response to weigh their chances of stopping the permit by requesting a contested case hearing.

Suggested Links

- [TCEQ grants permit to take land for private developer despite judge's ruling](#)
- [Texas couple under siege by government land grab for developer](#)